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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,519	06/11/2001	Heather Noel Bean	10011715	4258

7590 05/19/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
TRAN, NHAN T	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/878,519	BEAN ET AL.	
	Examiner	Art Unit	
	Nhan T. Tran	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/11/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/11/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 2 is objected to because of the following reason: claim 2 requires "wherein said counter generates a first image capture time and a second image capture time, and wherein *said processor subtracts said first image capture time from said second image capture time to produce said elapsed time value"* which *contradicts* claim 1. Claim 1 requires a processor to *obtain an elapsed time value **from** said counter* which is understood that the counter generates an elapsed time value. It is unclear that which one (counter or processor) generates the elapsed time value.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6 & 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamura et al (US 6,567,120) in view of Takahashi (US 4,253,753).

Regarding claim 8, Hamamura discloses an elapsed time apparatus (Figs. 2 & 6) capable of adding an elapsed time to a digital image generated by a digital image capturing device, comprising: an elapsed time counter (timer 45; Fig. 6); a memory (24) capable of storing a plurality of digital images and further capable of storing at least one elapsed time value; and a processor (CPU 39) communicating with said counter and said memory and starting said elapsed time counter upon said first image capture (i.e., at 10:05 shown in Fig. 9), reading an elapsed time value (10:16) from said elapsed time counter upon a second image capture, and adding said elapsed time value to a second digital image captured during said second image capture. See Figs. 6 & 9; col. 7, lines 3-5, 55-63.

Hamamura does not explicit disclose that the elapsed time counter capable of being reset upon a first image capture. However, as taught by Takahashi, it is well known for a time counter or a timer of a camera to be reset as a stop watch upon a first image capture so that it is possible for a photographer to record a condition of moving object (i.e., a racer in a field and track event) or various matches and other events, thereby the camera can be used more effectively for recording. See Takahashi, Figs. 1 & 2; col. 2, lines 43-58 and col. 1, lines 30-55.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Hamamura and Takahashi to modify the digital camera in Hamamura by enabling the time counter or timer with a resetting function as a stop watch upon a first image capture so that the digital camera would be used more effectively to record an elapsed time value between image captures in various matches and other events wherein a time condition of a moving object is important, i.e., a racer in a field and track event, etc.

Regarding claim 1, see the analysis of claim 8. Furthermore, the time counter or timer is fully capable of measuring an elapsed time between a first image capture and a second image capture. See Takahashi, Figs. 1 & 2 and Hamamura, Fig. 9.

Regarding claim 2, Hamamura discloses that the counter (timer 45) generates first image capture time and a second image capture time (Fig. 9). Hamamura and Takahashi do not specifically disclose that the processor subtracts the first image capture time from the second image capture time to produce the elapsed time value. However, since the digital camera in Hamamura comprises a CPU 39, an Official Notice is taken that it is notoriously well known in the art for such a CPU to perform mathematical calculations including subtraction between two time values.

Therefore, it would have been obvious to one of ordinary skill in the art to configure the CPU 39 to subtracts the first image capture time from the second image capture time to produce the elapsed time value in an obvious configuration for calculation of time differences.

Regarding claim 3, also disclosed in the combination of Hamamura and Takahashi is that the processor starts the counter upon capture of a first digital image and reads an elapsed time value from the counter upon capture of the second digital image. See Hamamura, Fig. 9 and Takahashi, Figs. 1 & 2.

Regarding claim 4, Hamamura in view of Takahashi further discloses that at least one input device capable of accepting a user input that selects or deselects an elapsed time mode (manual start/stop input 12 shown by Takahashi in Fig. 1; col. 2, lines 1-23), wherein the memory stores an elapsed time value for each digital image captured during the elapsed time mode. See Hamamura, col. 7, lines 55-63 and Takahashi, col. 2, lines 25-28.

Regarding claim 5, Hamamura further discloses at least one input device (memo input via touch tablet 6A and pen 41) capable of accepting a user input that selects and adds a particular elapsed time value (i.e., any elapsed time value is possibly added because this is a free style input for inputting anything the user wants to) to a corresponding stored digital image. See Hamamura, Figs. 12-14; col. 12, lines 7-28 and col. 16, lines 15-35.

Regarding claim 6, Hamamura also discloses that the memory stores the elapsed time value in an elapsed time storage (header) associated with the digital image (see col. 7, lines 55-63).

Regarding claims 9-11, see the analyses of claims 4, 5 & 6, respectively.

4. Claims 7 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamura et al and Takahashi as applied to claims 1 & 8 and in further view of Bates et al (US 2002/0080256).

Regarding claim 7, in the combination of Hamamura and Takahashi as analyzed in claim 1 above, Hamamura discloses that the digital image data and its associated elapsed time value (a header information) are stored in memory 24 (Hamamura, col. 7, lines 55-63). Hamamura does not teach that the adding step overwrites the elapsed time value onto a portion of the digital image stored in the memory.

As taught by Bates, it is common in the art for a digital camera to associate or **superimpose** information related to a digital image including date and time onto a portion (i.e., at bottom or corner) of the digital image (see col. 5, [0051]).

Therefore, it would have been obvious to one of ordinary skill in the art to enable the digital camera in the combination of Hamamura and Takahashi to associate the elapsed time value as a header information with the digital image *or* overwrite (superimpose) the elapsed time value onto a portion of the digital image stored in the memory as an alternative configuration of embedded information of the digital image.

Regarding claim 12, see the analysis of claim 7.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

James J. Groody
Supervisory Patent Examiner
Art Unit 262 2615